

REMARKS

Claims 1, 34, 37, and 67 were rejected. Claims 1, 34, and 67 have been amended. Claims 1-67 remain pending. Applicants request reconsideration of the pending claims.

I. Specification

The Examiner objected to the title as being not description. The title has been amended.

II. Claim Rejections - 35 USC 102

Claims 1, 34, 37, and 67 were rejected under 35 USC 102(e) as being anticipated by US Patent No. 6,901,564 (the Stine reference).

Independent claims 1, 34, and 67 have been amended to clarify that “the area in the yield to area ratio corresponds to the area of the entire variant design element.”

The Stine reference discloses modeling “systematic yield loss” (col. 13, line 13) of a structure based on the actual yield, the random yield loss, and “the shortable area of [the] structure.” (col. 13, line 32.) Shortable area is “defined to be the area where if a bridging occurs, a short will be measured.” (col. 13, lines 45-47.)

Thus, the “area” referred to in the Stine reference is that of the shortable area of the structure rather than the area of the entire variant design element. Thus, Applicants assert that claims 1, 34, and 67 are allowable over the Stine reference. Applicants also assert that claim 37 is allowable for at least the reason that it depends from an allowable independent claim.

III. Claim Rejections - 35 USC 103

Claims 1, 34, 37, and 67 were rejected under 35 USC 103(a) as being obvious over “Yield/Reliability Enhancement using automated Minor Layout Modifications” (the Allan reference) in view of US Patent No. 6,751,519 (the Satya reference).

As discussed above, claims 1, 34, and 67 have been amended to clarify that “the area in the yield to area ratio corresponds to the area of the entire variant design element.”

The Examiner states that the Allan reference “does not teach determining a yield to area ratio...” The Examiner asserts that the Satya reference “appears to teach yield information that includes systematic yield component Y_o which is independent of area.”

The Satya reference discloses using defect density and “critical area” to predict yield. (col. 6, lines 52-67.) Critical area is “the fractional area of the layout, in which if a defect occurs, it would cause a fault.” (col. 7, lines 23-25.)

Thus, the “critical area” referred to in the Satya reference is that of a fractional area where a defect occurs rather than the area of the entire variant design element. Thus, Applicants assert that claims 1, 34, and 67 are allowable over the combination of the Allan and Satya references. Applicants also assert that claim 37 is allowable for at least the reason that it depends from an allowable independent claim.

IV. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 524322000200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 16, 2008

Respectfully submitted,

By /Peter J. Yim/

Peter J. Yim

Registration No.: 44,417

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, California 94105-2482

(415) 268-6373